

Before the State of South Carolina
Department of Insurance

In the Matter of:)	SCDOI Docket # 04-0208
)	
Theron E. Shields, Jr.)	Order Revoking Resident Producer License
)	and Surety Bondsman License
_____)	

This matter comes before the South Carolina Department of Insurance (the Department), upon application of David E. Belton, Esquire, Senior Associate General Counsel for the Department, requesting the revocation of Theron E. Shields, Jr. (“Producer’s”) resident producer’s license and (“Bondsman”) surety bondsman license.

After careful review of the evidence presented the Department issues the following decision.

FINDINGS OF FACT

Producer is currently a South Carolina resident producer and surety bondsman.

In the State of South Carolina the producer failed to remit premiums on nineteen (19) executed bail bonds to A-1 Bonding & Enterprises, Inc. totaling \$7,150.00.

In the State of South Carolina the producer issued check #670 dated November 5, 2003 for \$4,290.00 that was returned by the bank marked, “Non Sufficient Funds”.

In the State of South Carolina the producer failed to return \$3,000.00 in collateral monies owed to Mr. Miguel Del Prado.

In the State of South Carolina the producer failed to comply with directive issued by Willie Seawright, Program Coordinator in letter dated October 25, 2006.

In the State of South Carolina the producer failed to reply to a “Notice of Investigation” sent certified and regular mail through the US Postal Service by the Department, which receipt was acknowledge by Carlos Shields on September 23, 2006.

In the State of South Carolina the producer failed to reply to a “Notice of Investigation” sent certified and regular mail through the US Postal Service by the Department, which receipt was acknowledge by Carlos Shields on January 26, 2007.

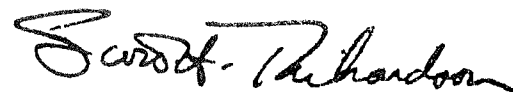
CONCLUSIONS OF LAW

Pursuant to S.C. Code §38-53-150(A)(4)(7) and 38-53-170 (E), “the Director or his designee may deny, suspend, revoke, or refuse to renew any license issued under this chapter for any of the following causes...(4) misappropriation, conversion, or unlawful withholding of monies belonging to insurers or others and received in the conduct of business under the license... (7) failure to comply with or violation of the provisions of this chapter or of any order of the director or his designee or regulation of the department”. S.C. Code §38-53-170 (E), “no bondsman or runner may... (E) accept anything of value from a principal except the premium, which may not exceed fifteen percent of the face amount of the bond, with a minimum fee of twenty-five dollars. However, the bondsman is permitted to accept collateral security or other indemnity from the principal which must be returned upon final termination of liability on the bond. The bondsman shall identify who is paying the premium and shall represent that the collateral security or other indemnity has not been obtained from any person who has a greater interest in the principal’s disappearance than appearance for trial. The collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond.”

THEREFORE, it is ordered that Theron E. Shields, Jr. South Carolina resident producer license and surety bondsman license shall be revoked thirty (30) days from the date of this order, and no license issued through the state of South Carolina Department of Insurance is to be issued to him, unless Theron E. Shields, Jr. requests in writing within said thirty (30) day period a public hearing before the South Carolina Administrative Law Court.

It is FURTHER ORDERED that the National Association of Insurance Commissioners be immediately notified of this order.

This South Carolina Department of Insurance administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina’s *freedom of Information Act*, S.C. Code Ann. §§30-4-10, et seq. (1991 and Supp. 2000). Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to “report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report.” S.C. Code Ann. §38-3-110(3) (Supp. 2000).



Scott H. Richardson
Director of Insurance

Dated this 6th day of March 2007